





JOINT

# PREAMBLE AND RESOLUTIONS

PASSED JANUARY SESSION, 1858.

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WHEREAS, His Excellency the Governor of the State of Maryland has transmitted to the Senate and House of Delegates, his annual message and documents therewith, in which he has given an account of his proceedings relative to calling forth the military in the city of Baltimore, on the day of the last election in that city;

*And Whereas*, It appears by his statement that he visited said city on the 28th day of October last, and immediately addressed a communication to the Mayor, stating "that representations from a large number of most respectable citizens, of the condition of things in that city, added to his own conviction of his constitutional duty, imposed upon him the obligations respectfully to consult the Mayor of the city, as to what provision should be made by him, (the Mayor,) to guarantee personal security and the free exercise of suffrage by the legal voters at the approaching election,"

*And Whereas*, It appearing by said correspondence that the Mayor, in reply, invited His Excellency "to furnish him with any reliable evidence, upon which he could legally act, of a combination on the part of any of the citizens of said city, to obstruct the laws at the approaching election, and also informed His Excellency, that he deemed his powers to preserve the peace to be ample, and that in view of the emergency, he had "in addition to the usual compliment of officers, assigned to the stations, and various election precincts acting immediately in concert with the judges, together with the details by which they were to be regulated there would be what he deemed in his judgment a force competent to insure to those who might be entitled to vote, the free and untrammelled exercise of their right of suf-

frage, and that it was his belief that unless some unforeseen occurrence, should take place or an ungovernable feeling should be excited by those who were then engaged in the effort to break down the city government, that the election would proceed quietly and without interruption;

*And Whereas*, His Excellency declined or failed to furnish to the Mayor any evidence, (if any he had,) of a combination on the part of any citizens, to obstruct or violate the laws, but forthwith, without further consultation or correspondence, issued his orders to the military officers, to enroll, equip and hold a command of not less than six regiments, ready for immediate service, and thereupon, made his proclamation to the citizens of Baltimore announcing, among other things, that he had issued to this imposing military force, thus brought into the field, full instructions to preserve the peace of the city, and secure to the legal voters their rights, against the violence and intimidation of the lawless ruffians, who have disgraced the city, and outraged the elective rights in the recent elections;

*And Whereas*, In said proclamation he commanded that, no man should leave the precincts of his own ward, unless ordered to do so by competent authority. Thus he would promote the fairness of the election, and avoid the just retribution that would be dealt to those vagrant emissaries of disorder, who wander from place to place, for the purpose of illegal voting;

*And Whereas*, His Excellency in communicating to the Senate and House of Delegates, his proceedings in and about the matters aforesaid, has declared that a decent respect for the opinions of his fellow-citizens, and due concern for the dignity of his office, and a regard for his personal honor, induced him to employ that occasion for a dispassionate review of the series of events intimately connected with our domestic policy, and entitled, apart from any concern he might entertain with regard to himself, to our serious consideration;

*And Whereas*, The Senate and House of Delegates agree with his Excellency in reference to the importance of the matter, and entertaining a high regard for the dignity, power and honor of the office which he holds, the checks and balances maintained in our constitution and form of government, and the peace and quiet of the community, on the one side, and the freedom and personal rights of the citizens on the other ; and, as they have been addressed by his Excellency upon the subject, and their opinions invoked, a due sense of respect for themselves, and the people of the State of Maryland, whom they represent, imperatively demand of them that they should speak upon the subject;

*Therefore Resolved*, By the General Assembly of Maryland, that we condemn all frauds upon the ballot-box, by whomsoever

perpetrated, and all violence, hinderance, or intimidation of the citizen, whether actually threatened in the exercise of his elective franchise; and we proclaim it, as the unalterable opinion of the people we represent, that the freedom and purity of the ballot box is essential to the existence of our free institutions, and the peace of the Commonwealth; and that they should be preserved, everywhere within her limits, and by all the power of the State.

*And be it further Resolved;* That the assertion of His Excellency, that the state of society in the city of Baltimore, on the eve of the last election, was verging upon the fiercest anarchy; and that outrages, almost incredible in a civilized community, were then and there committed; and that an ubiquitous organization prevailed, by violence, to the exclusion of voters, at will, and controlled means and resources for the most pernicious and daring frauds; and "that such wrongs were perpetrated as have no parallel in the election annals of our country, but in Baltimore itself;" and this, too, "under the official assurance of municipal power, and of a police organization, and a plan of operations adequate to the emergency," unsustained as it is by evidence, we condemn as a libel upon the people of that great commercial metropolis of our State.

*And be it further Resolved,* That while we condemn all frauds, violence or intimidation on the part of any portion of the community upon the rights of any citizen, however humble he may be, in the exercise of his sovereign right of ballot, we deem it our duty to hold to the strictest accountability those entrusted with the execution of the laws for the manner in which they have executed the trust committed to their keeping, and, fulfilling this duty, we express our decided condemnation of the interposition of the Governor in the affairs of the city of Baltimore before and on the day of the late election in said City, because from the information and reasons which he has communicated to us, and from facts made apparent by the documents accompanying his Message, it was, under the circumstances, ill-advised, reckless, unnecessary and dangerous to the peace of the city.

*And be it further Resolved,* That we regard the interposition of the Executive, under the circumstances, as illegal, and his commands to the military to interfere and preserve order, without the requisition of the local civil power, and in direct opposition to the wish, advice and protest of the Mayor of the City, who is invested by law with all power necessary for the preservation of the peace and order of the city, and who had given evidence, by his preliminary arrangements, of his ability and determination to protect every citizen in the exercise of his rights, as a manifest subordination of the civil to the military power, an invasion of the rights of a chartered city, and an attempt to interfere, by the bayonet, with the freedom of elections, and a glaring violation of the constitution and laws of the State.

*And be it further Resolved*, That we hold, that the command issued by the Governor in his proclamation,—“Let no man leave the precincts of his own ward, unless ordered to do so by competent authority, thus he will promote the fairness of the election, and avoid the just retribution that will be dealt to those vagrant emissaries of disorder, who wander from polls to polls for the purpose of illegal voting, and to deter peaceful citizens from the exercise of their rights,” was without authority of law, a flagrant invasion of that personal liberty so dear to every American heart, and, sustained as it was by such an exhibition of intention to use military force, an act of despotism unparalleled in the annals of our country.

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